

Delaware Standardbred Owners Association, Inc.

830 WALKER SQUARE, SUITE 11-2 DOVER, DELAWARE 19904
PHONE (302) 678-3058 • FAX (302) 678-8507 • (888) 227-0658

August 15, 2012

Received & Inspected

AUG 17 2012

FCC Mail Room

Office of the Secretary
Federal Communications Commission
Attention: Disability Rights Office, Room 3-B431
9300 East Hampton Drive
Capital Heights, MD 20743

Case I.D. # CGB-CC-1228

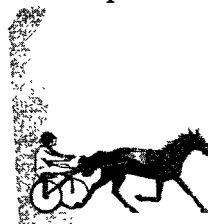
Dear Mr. Secretary;

I am writing in reply to your letter of July 18, 2012 requesting supplemental information for our original petition submitted on behalf of the Delaware Standardbred Owners Association, Inc. who are seeking an exemption from closed captioning for their T.V. show "Post Time".

Enclosed you will please find the financial documentation requested and the information regarding the costs of closed captioning; also please find letters from the sponsors of "Post Time".

As, the Executive Director of Delaware Standardbred Owners Association, and thus the C.E.O., I wish to explain what Delaware Standardbred Owners Association does and how the additional costs of closed captioning will negatively impact our budget, resulting in Delaware Standardbred Owners Association being forced to consider if it is feasible to continue this production.

The Delaware Standardbred Owners Association is a nonprofit trade association that represents the Standardbred horsemen and women who compete at Delaware's two harness racetracks, Dover Downs and Harrington Raceway. Delaware Standardbred Owners Association has approximately 650 members and is governed by a Board of Directors who are elected from the membership.



OFFICERS

ANDREW MARKANO, PRESIDENT
BRENDA BRAMBLE, FIRST VICE PRESIDENT
DR. BILL MOFFETT, SECOND VICE PRESIDENT
FRANK DELIBERTI, TREASURER
FRANCES WEST, SECRETARY
SALVATORE DIMARIO, EXECUTIVE DIRECTOR

STAFF

LISA PEARSON, EXECUTIVE ASSISTANT
JACQUELINE DIPIPPA, BENEFITS
COORDINATOR
HEATHER MOFFETT, MEDIA DIRECTOR
DENISE ROTHERMEL, OFFICE MANAGER

DIRECTORS

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JAMES CASE- DIRECTOR EMERITUS
RALPH HOLLOWAY-DIRECTOR EMERITUS

Delaware Standardbred Owners Association, Inc.

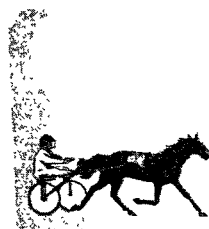
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Delaware Standardbred Owners Association represents Delaware horsemen before the Delaware General Assembly, and the Delaware Harness Racing Commission and in negotiations of all horsemen issues with Dover Downs and Harrington Raceway. Delaware Standardbred Owners Association also manages the horsemen's health and welfare benefits. Delaware Standardbred Owners Association has a staff consisting of 4 full time employees plus 3 part time employees.

Currently "Post Time" is funded primarily by Delaware Standardbred Owners Association with sponsorship from each of the race tracks during their racing season including Ocean Downs which is a harness track on Maryland's Eastern Shore that races for 8 weeks in the summer when there is no racing at the Delaware tracks. "Post Time" has been on the air since 1998 and has produced 740 shows. Delaware Standardbred Owners Association employee Heather Moffett is the writer, producer and on-air personality of this show. Heather works tirelessly to bring her passion for Standardbred racing to the people of the Delmarva Peninsula weekly with human interest stories about Standardbred horses. Heather works with an independent contractor who we pay to shoot the video and edit the production.

"Post Time" airs weekly on Sunday mornings on station WBOC in Salisbury, Maryland. As you can see this is a low budget operation that is created weekly by a person who is dedicated to the Standardbred horse.

Delaware Standardbred Owners Association is currently experiencing severe contractions in our revenues, as they are down 30% over the last few years. One sponsor has already had preliminary discussions with me about possibly not being able to share in the costs of "Post Time" going forward as their revenues are also down significantly. I can state unequivocally that the additional cost for closed captioning, at \$250.00 per show, could result in the demise of "Post Time". As you are aware we are struggling through the worst economy this nation has had in seven decades. Additional or new sponsorship for the show is difficult to find and any new costs would be a financial hardship and ultimately could lead to the demise of this show and cause a further loss of employment and the ancillary services that go with it.



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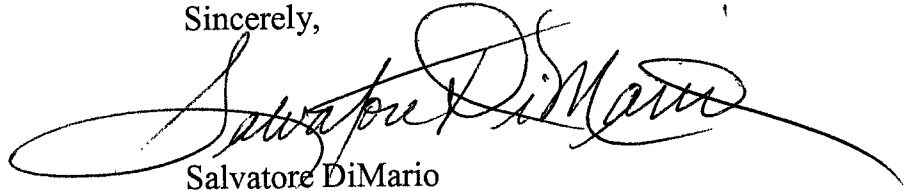
Delaware Standardbred Owners Association, Inc.

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In a better economy Delaware Standardbred Owners Association may have been able to absorb these additional costs, but in this economy this could become a deal breaker.

Therefore I respectfully request that your agency review our petition and grant "Post Time" an exemption from closed captioning. If you have any questions, please feel free to contact me.

Sincerely,

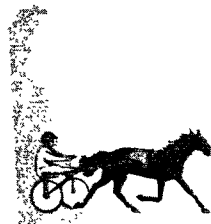


Salvatore DiMario
Executive Director

SD/lp

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**List of Exhibits for Delaware Standardbred Owners
Association, Inc. Petition**

- 1) FCC Letter of April 6, 2012 with Heather Moffett attachment of March 26, 2012
- 2) Delaware Standardbred Owners Association "Statement of Activities for the Years ended September 30, 2011 and 2010"
- 3) Letter from Dave Speicher, WBOC of July 31, 2012
- 4) E-mail from Dave Speicher, WBOC to Heather Moffett of March 27, 2012
- 5) Letter from Matt Sparacino, Harrington Raceway of July 26, 2012
- 6) Letter from John Hensley, Dover Downs of August 13, 2012
- 7) Letter from Peter Szymanski, Ocean Downs of July 30, 2012



Federal Communications Commission
Washington, D.C. 20554

April 6, 2012

Delaware Standardbred Owners Association
Attn: Heather Moffett
830 Walker Square, Suite 11-2
Dover, DE 19904

Case Identifier #: CGB-CC-1228

Re: *Post Time*

The Federal Communications Commission received your request for exemption from the closed captioning rules on April 5, 2012. A copy of the first-page of the filing, date stamped, is attached hereto. Your filing is pending as of the date noted on the stamped filing.

This filing, and any other documents related to it, can be found through the Commission's Electronic Comment Filing System at

http://fjallfoss.fcc.gov/ecfs/comment_search/input?z=yqbow. To access this filing and any related documents, key 06-181 in the box labeled "Proceeding Number" and the four numerical digits of the above case identifier number in the "Advanced Options" section in the box labeled "File Number"; then click on the Search for Comments button at the bottom.

You should use the above case identifier number in any correspondence with the Commission concerning your filing. Please retain a copy of this letter for your records.

[Exhibit **1**]

Federal Communications Commission
445 12th Street, S.W.
Washington, DC 20554

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APR 05 2012

FCC Mail Room

March 26, 2012

Re: PETITION FOR EXEMPTION TO CLOSED CAPTIONING

To Whom It May Concern:

I am writing to petition for the exemption to closed captioning. The show title in question is *Post Time*, a weekly program about horses on the Delmarva peninsula. According to Section 79.1 (d) of the Commission's rules, this show should be exempt due to the fact that we are a locally produced and distributed non-news programming with no repeat value and for which the "electronic news room" technique of captioning is unavailable. In addition, it would impose an "undue economic burden" as defined in Section 79.1 (f) of the Commission's rules.

The Delaware Standardbred Owners Association is the producer of the *Post Time* show. This is a non-profit organization (Federal ID 1-522027153-001). Absolutely no money is profited from the airing of this show. The television station (WBOC-16) on which *Post Time* airs does not have the capability to provide closed captioning for paid programming. Therefore, compensating an outside contractor to add the closed captioning to this weekly production would be detrimental. In fact, it would completely inhibit the production of the show.

Thank you for considering my appeal and petition. Please contact me if there are any further questions.

Regards,



Heather Moffett
Media Relations
Delaware Standardbred Owners Association
830 Walker Square
Suite 11-2
Dover, DE 19904

[Exhibit **1**]

DELAWARE STANDARD BRED OWNERS' ASSOCIATION
STATEMENT OF ACTIVITIES
FOR THE YEARS ENDED SEPTEMBER 30, 2011 AND 2010

	<u>2011</u>		
	<u>Unrestricted</u>	<u>Temporarily Restricted</u>	<u>Total</u>
<u>Revenues, Gains and Other Support</u>			
Track Contributions	\$ 482,741	\$ -	\$ 482,741
Track and Member Insurance Contributions	2,824,352		2,824,352
DSOA Pension Income		358,500	358,500
Membership Dues	28,372		28,372
Total Revenues, Gains and Other Support	3,335,465	358,500	3,693,965
<u>Expenses</u>			
<u>Management and General</u>			
Condominium Fees	2,997		2,997
Depreciation	4,408		4,408
Dues and Subscriptions	11,299		11,299
Equipment Damage Expense	3,475		3,475
Flowers and Donations	3,751		3,751
Members Insurance	3,431,693		3,431,693
Office Insurance	7,338		7,338
Member Benefit Programs	105,712		105,712
Office Supplies	13,240		13,240
Payroll Taxes	21,705		21,705
Postage	3,227		3,227
Professional Services	44,425		44,425
Salaries	292,478		292,478
Retirement Plan Contributions - Simple Plan	8,175		8,175
Taxes and Licenses	2,024		2,024
Income Tax Expense	187		187
Telephone	4,573		4,573
Travel, Lodging and Meeting Expenses	12,291		12,291
Utilities	3,675		3,675
Total Expenses	3,976,673	-	3,976,673
<u>Excess Revenue over Expenses</u>	(641,208)	358,500	(282,708)
<u>Other Income and Expenses</u>			
Investment Income	633		633
Realized Gain (Loss)- Merrill Lynch	(9)		(9)
DSOA Pension Plan:			
Investment Income		49,592	49,592
Distributions to members		(39,017)	(39,017)
Realized and Unrealized Gain (Loss) on Investments		(167,713)	(167,713)
Net Other Income and Expenses	624	(157,138)	(156,514)
<u>Changes in Net Assets</u>	(640,584)	201,362	(439,222)
<u>Net Assets Beginning of Year</u>	830,040	2,161,825	2,991,865
<u>Net Assets End of Year</u>	\$ 189,456	\$ 2,363,187	\$ 2,552,643



Delaware Standardbred Owners Association
830 Walker Square
Dover, DE 19904
Attention: Sal DiMario

July 31, 2012

Dear Mr. DiMario,

WBOC does not have "closed captioning" services available at our facility other than what takes place through our news scripting.

If I can be of further assistance please let me know.

Sincerely,

Dave Speicher
General Sales Manager
WBOC / FOX21

1729 N. Salisbury Blvd
Salisbury, MD
(410) 749-1111
FAX (410) 749-2361

1839 S. Dupont Hwy
Dover, DE 19901
(302) 734-9262
FAX (302) 734-3674

One The Square
Milton, DE 19968
(302) 684-8932
FAX (302) 684-8237

[Exhibit 3]

From: Dave Speicher <dspeiche@wboc.com>
To: Heather Moffett <pacinspice@aol.com>
Subject: Fwd: Closed Captioning
Date: Tue, Mar 27, 2012 3:40 pm

Heather - Here is a recent quote that I received for Closed Captioning.

From: skotleski@skotleski.com
To: "Dave Speicher" <dspeiche@wboc.com>
Sent: Thursday, March 22, 2012 8:15:27 PM
Subject: Re: Closed Captioning

Dave

A 30 minute program is \$250, we would take DVCam, MiniDV, BetaSP or DVD. We do a (letter perfect) transcription. We also provide you with the Word File. The video is digitized to our computer system and the cc file is then added, rendered and output to BetaCam SP or DVD. Call me for details 215-718-1300

Please use production@skotleski.com - this is our production e-mail

ron

[Exhibit 4]



Delaware Standardbred Owners Association
Sal Dimario – Executive Director
830 Walker Square
Suite 11-2
Dover, DE 19904

July 26, 2012

Dear Mr. Dimario,

This letter is in response to your request for funding for closed captioning of the 'Post Time' television program. While we remain committed to promoting the show, we are unable to provide additional funding at this time. Thank you.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Sparacino".

Matt Sparacino
Asst. GM of Racing
Harrington Raceway

DOVER DOWNS[®]

HOTEL & CASINO

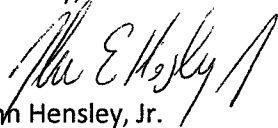
August 13, 2012

Delaware Standardbred Owners' Association
830 Walker Square
Suite 11-2
Dover, DE 19904

Dear Sal,

Dover Downs has committed to a certain level of funding for the "Post Time" program. Dover Downs will not be increasing its funding for the program.

Sincerely,



John Hensley, Jr.

Sr. Director – Horse Racing and Sports

[Exhibit-6]

OCEAN DOWNS, LLC

P.O. Box 11 • 10218 Racetrack Road • Berlin, MD 21811
410.641.0600 (phone) • 410.641.2711 (fax)

July 30, 2012

To: Sal Dimario
From: Peter Szymanski
Re: Closed captioning

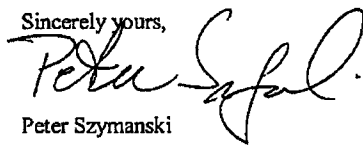
Dear Sal:

Please note that Ocean Downs is unable to help with the additional financial needs associated with the Post Time TV show of which we are a part. We currently budget \$6300 for less than two months of TV production and air time.

In our current situation, we do not have the financial wherewithal to add closed captioning costs to our budget. We simply do not have the money.

Thank you for your understanding and consideration.

Sincerely yours,



Peter Szymanski

GM
Ocean Downs/ Racing



OCEAN DOWNS
RACETRACK

OCEAN DOWNS
BEVERAGE, INC.

RACING SERVICES, INC.



CAMBRIDGE
TURF CLUB

CAMBRIDGE PLAZA
BEVERAGE

[Exhibit-8]